



## Policy Manual

Manual:	CPP	Child Protection and Permanency	Effective Date: 2-01-2021
Volume:	IV	Out of Home Placement	
Chapter:	B	Resource Care	Revised Date: 10-04-2021
Subchapter:	2	Resource Home Selection	
Issuance:	500	<b>Assessing Kin to Provide Care for a Child in Need of Out-Of-Home Placement (Kin Rule Out Criteria)</b>	

### Purpose:

This issuance establishes policies and procedures for CP&P in determining whether to place a child in need of out-of-home placement with a relative or other potential kin caregiver who is expected to meet presumptive eligibility standards for licensure as a resource family home. State law requires a timely search for relatives and fictive kin.

Consideration of Biological Parents. Before initiating efforts to identify potential kinship resources for the placement of a child, both biological parents must be considered.

### Authority:

- N.J.S.A. 30:4C-12.1, Search for Relatives or Persons with a Kinship Relationship with Child in Custody of Family Services Other
- N.J.S.A. 30:4C-26.8d
- N.J.S.A. 30:4C-26.8e
- N.J.S.A. 30:4C-27.9
- N.J.A.C. 3A:5-2
- N.J.A.C. 3A:5-2.8
- N.J.A.C. 3A:51-1.3(b)

## **Policy:**

### **A) Place with Kin whenever Safe and Possible**

- 1) CP&P shall always consider relatives and other kinship caregivers as the first resource for a child who needs out-of-home placement. This includes both emergency and planned placements. See, [CPP-IV-B-2-125](#), Placing Children with Kinship Caregivers.
- 2) Kinship homes are subject to the same licensure rules as other CP&P resource family homes. See N.J.A.C. 3A:51, Manual for Requirements for Resource Family Parents, and [CPP-IV-B-2-235](#), Home Study.

### **B) “Willing and Able” and “Best Interest of the Child”**

- 1) Pursuant to N.J.S.A. 30:4C-12.1, in any case in which the Department of Children and Families accepts a child in its care or custody, including placement, the department shall consider placement of the child with a suitable relative or person who has a kinship relationship as defined in section 2 of P.L.2001,c.250 (C.3B:12A-2). The department shall initiate a search for relatives or persons with a kinship relationship with the child who may be willing and able to provide the care and support required by the child. All potential kinship caregivers shall be entitled to a full assessment of their circumstances, regardless of a parent’s preference.
- 2) If more than one kinship household is identified, and each is determined to be both willing and able to care for the child, CP&P shall make a “best interest” determination as to where – i.e., in which kinship household to place the child.

### **C) Search Timeframe**

- 1) Once CP&P has identified a need to place a child, CP&P shall initiate a search for kin. State law requires that the search must be initiated within 30 days of the department's acceptance of the child in its care or custody. The search will be completed when all sources contacted have either responded to the inquiry or failed to respond within 45 days. The department shall complete an assessment of each interested relative's or person's ability to provide the care and support, including placement, required by the child.
- 2) See, [CPP-III-C-4-100](#), Locating a Missing Child/Family and Searching. The search for kin shall continue throughout the life of a case even if not for a kinship placement, but to preserve kin connections and maintain familial relationships.

### **D) Evaluation of Kinship Placements and Presumptive Eligibility**

- 1) Whenever feasible, prior to the child being placed, the assigned Worker or a Resource Family Support Worker shall conduct a preliminary home assessment to confirm that the home is likely to meet licensing standards.
- 2) The Resource Family Support Unit and the Local Office may jointly determine that a caregiver is presumptively eligible if the caregiver is willing and able to care for the child and is willing to participate in the licensing process.

#### **E) Discretionary Rule Outs**

- 1) Kin or Fictive kin **MAY** be ruled out as a potential placement resource for the child if:
  - i) A Child Abuse Record Information (CARI) check reveals the potential kin caregiver or a household member is a **Substantiated** perpetrator of child abuse or neglect. **However**, according to N.J.S.A. 30:4C-27.9, a kinship home may be approved regardless of a substantiated incident(s) if it is determined that the kinship caregiver or household member does not pose any safety threat and it is in the child's best interest. A waiver for a child abuse/neglect Substantiation shall be considered for a kinship placement when there are strong indications that approving or continuing to use the family would be in the best interest of the child. The DCP&P Area Director and the LOM are permitted to approve a child abuse/neglect Substantiation waiver. See, [CPP-IV-B-2-300](#), Waivers.
  - ii) The preliminary home assessment reveals the home will not meet licensing standards due to issues that impact the safety, health, and rights of a child placed in the home.

#### **F) ASFA Disqualifier Rule Outs**

- 1) Kin or Fictive kin **WILL** be ruled out as a potential placement resource for the child if one of the following circumstances exist:
  - i) An ASFA disqualifying crime, outlined in N.J.S.A. 30:4C-26.8d; or
  - ii) An ASFA crime outlined in N.J.S.A. 30:4C-26.8e for which five (5) years have not passed since the applicant was terminated from probation or parole or was released without probation or parole from a correctional facility.

#### **G) Administrative Appeal Rights**

- 1) Consistent with policy, State statute, and New Jersey Administrative Code, a relative or person who has a kinship relationship with the child (as defined in section 2 of P.L.2001,c.250 (C.3B:12A-2 ) has administrative appeal rights, if he or she is "ruled out" as a placement resource for a child based on CP&P's determination of "willing and able."

#### **H) Timely Determination and Notification.**

- 1) The determination to rule out a potential kinship caregiver must be a timely decision, which shall occur before a Resource Family Parent's Home Study/Licensing Application is taken. Each kin that has been considered as a placement option for the child has the right to be notified, in writing, of CP&P's decision not to place the child in his or her home and include the specific reason for the decision within seven (7) days of determination.
- 2) Use CPP [Form 5-52](#), Kin Resource Assessment Letter. Notifications are sent out by both regular mail and certified mail, signed receipt requested.

#### **I) CP&P Reconsideration Permitted.**

CP&P's initial decision – whether to place with kin or to refrain from placing with that kin – may be subject to further consideration when more information becomes available.

#### **J) Reconsideration**

If the circumstances which caused a kinship household to be ruled out subsequently change, the kin can contact CP&P and request that his or her home be again assessed as a potential placement resource for the child. CP&P shall take this information into account in planning for the child.

#### **Key Terms (Definitions):**

- "ASFA crime" means a specific crime of a serious nature, as specified in the Federal Adoption and Safe Families Act (ASFA), and adopted as New Jersey law. When an applicant (kin), or any person residing in the household age 14 or older, is found to have a criminal conviction for a crime outlined in N.J.S.A. 30:4C-26.8d, the applicant must be disqualified. Certain ASFA crimes may be waived after five (5) years.
- "Fictive Kin" means a person who is connected to a child or the child's birth or adoptive parent by an established, positive psychological or emotional relationship that is not a biological or legal relationship. N.J.S.A. 30:4C-84, Definitions.
- "Kin" means related to the child through blood, marriage, civil union, domestic partnership, or adoption or is connected to the child or the child's parent by an established positive psychological or emotional relationship.
- "Kinship Care" means care provided by a resource family parent or applicant who is:
  - Related to a child in placement through blood, marriage, civil union, domestic partnership, or adoption, and is not the child's parent; or

- Connected to a child in placement or to the child's parent by an established positive psychological or emotional relationship. N.J.A.C. 3A:51-1.3(b).
- "Presumptive Eligibility" means a kinship caregiver preliminarily meets licensing standards and is, therefore, eligible for resource family care payment, on behalf of the child in his or her care, based on the initial assessment, until the home study is completed by CP&P and the Office of Licensing. II D 1801.2, Definitions.
- "Relative" means any person, other than the child's parent, who is related to a child through blood, marriage, adoption, civil union, or domestic partnership, including a stepparent or relatives of half- blood, and those denoted by the prefixes "grand" and "great," including grandparent or great-grandparent.
- "Rule Out" means to eliminate a prospective kinship caregiver as a placement resource for a child based on CP&P's determination that he or she is unable or unwilling to provide a safe home for that child.
- "Willing" means a prospective kinship caregiver is interested in supporting the child and going through the home study and licensing process.
- "Able" means a prospective kinship caregiver can complete the home study and licensing process.

### **Forms and Attachments:**

- CPP [Form 5-52](#), Kin Resource Assessment Letter

### **Policy History:**

- 10.04.2021
- 2.01.2021